

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR55

KAMAL S. AL-AMIN

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to conspiracy to possess and distribute more than five grams of crack cocaine (Count 1), and possession of a firearm after having been convicted of a felony (Count 2), in violation of 21 U.S.C. §§ 846 and 841(a)(1) & (b)(1)(B); 18 U.S.C. 922(g) & 924(a)(2). On April 11, 2007, defendant appeared before the Court for the purpose of entering his guilty pleas. Defendant was represented by appointed counsel, Michael S. Fasanaro, Jr., Esquire. During the proceeding, defendant acknowledged that he understood his constitutional right to be indicted and made a decision to proceed on the information of the United States Attorney, to which he expressly consented.

Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the

proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is twenty-nine years of age, attended high school through part of the tenth grade and acquired a GED, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an

aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia

April 16, 2007

/s/
James E. Bradberry
United States Magistrate Judge

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of
the following:

Michael S. Fasanaro, Jr., Esquire
Abrons, Fasanaro & Scevior, PLLC
Dominion Tower, Ste. 2415
999 Waterside Dr.
Norfolk, VA 23510-3320

Sherrie S. Capotosto, Esquire
Assistant United States Attorney
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By _____
Deputy Clerk

_____, 2007